

UNITED STATES DISTRICT COURT
DISTRICT OF NEW HAMPSHIRE

MMG Insurance Company,
as subrogee of Marc Berthume

v.

Civil No. 11-cv-430-JL

Samsung Electronics
America, Inc.

PROCEDURAL ORDER

The plaintiff in this products liability action, MMG Insurance Company has filed a "motion to join Best Buy Co., Inc. as an additional party-defendant." See [Fed. R. Civ. P. 20\(a\)\(1\)](#). MMG's motion, however, is not accompanied by a new version of the complaint in this action, amended to include one or more claims against the proposed additional defendant, cf. L.R. 15.1(a), but by a copy of the writ that MMG has filed against the proposed additional defendant in the Hillsborough County Superior Court. More importantly, while the writ describes "Best Buy Co., Inc." as a corporation "with a place of business" at an address in Minnesota, neither the writ nor the motion for joinder states either its state of incorporation nor its principal place of business.

The sole basis of this court's jurisdiction over this action is diversity: MMG is a Maine corporation with its principal place of business in that state, while the original defendant, Samsung Electronics America, Inc., is a New York

corporation with its principal place of business in New Jersey, and MMG brings claims under state law only. See 28 U.S.C. § 1332(a)(1). So this court lacks jurisdiction over MMG's claim against "Best Buy Co., Inc." unless it, too, has a different state of incorporation and principal place of business from the plaintiff, MMG. See id. § 1367(b). (The court notes that, according to the on-line records of the Minnesota Secretary of State, there is no company known as "Best Buy Co., Inc." incorporated there.)

Thus, to enable this court to determine whether it would still have jurisdiction over this action if "Best Buy Co., Inc." is added as a defendant, MMG shall file, within ten days of the date of this order, a proposed amended complaint alleging the state of incorporation and principal place of business of "Best Buy Co., Inc." See 28 U.S.C. § 1332(c)(1). The amended complaint shall also set forth MMG's claims against that party. If MMG fails to make that filing by the appointed deadline, its motion to join the additional defendant will be denied.

SO ORDERED.



Joseph N. Laplante
United States District Judge

Dated: May 9, 2012
cc: Robert W. Upton, II, Esq.
Thomas DeMicco, Esq.
Christopher P. Flanagan, Esq.
Kristyn Dery Kaupas, Esq.